

Sarabjit Singh

v.

State of Punjab.

Present: Mr. D.S. Brar, Advocate,
for the petitioner.

Mr. I.P.S. Sidhu, Sr DAG Punjab.

Mr. N.S. Bawa, Advocate for the complainant.

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Heard learned counsel for the parties.

The allegations against the petitioner are that he caused injury with danda on the head of the complainant Surjit Singh. Initially offence under Section 307 IPC was added by the S.H.O. However, the DSP ordered its deletion on 6.05.2006. The SSP, Ludhiana again added offence under Section 307 IPC on 26.06.2006. Thereafter, ADGP Law and Order, directed the deletion of offence under Section 307 IPC on 25.8.2006. Lastly, the District Attorney gave opinion that offence under Section 307 IPC was made out in this case which was added on 29.3.2007. Therefore, it is to be considered by the learned trial Court after evidence has been led as to whether the offence under Section 307 IPC indeed is made out.

Learned counsel for the complainant has submitted that by giving a danda blow on a person of aged 60 years and the nature of injuries as per the MLR, would clearly make out a case under Section 307 IPC also.

In my view, this matter would be gone into by the trial Court at the appropriate stage after evidence is concluded. It would be improper for this Court to go into this question at the time of consideration of grant of pre-arrest bail. In any case, keeping in view the varying opinions, it is debatable whether the offence under Section 307 IPC is made out or not.

Learned counsel for the State on instructions from ASI Darshan Singh Police Station Samrala, District Ludhiana has submitted that the custody of the petitioner is not required for the purpose of investigation as he has joined investigation.

In view of the aforesaid facts and circumstances, the interim bail granted on 2.5.2007 is made absolute.

Criminal Miscellaneous stands disposed of.

09.08.2007
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(S.S. SARON)
JUDGE